

**Introduced by Senator Runner**

February 23, 2009

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An act to amend Section 42005 of the Vehicle Code, relating to vehicles.

## LEGISLATIVE COUNSEL'S DIGEST

SB 210, as introduced, Runner. vehicles: traffic violations: driving instruction: program.

Existing law authorizes a court to order a person who is convicted of a traffic violation, with his or her consent, to attend a licensed traffic violator school, a licensed driving school, or any other court-approved program of driving instruction in lieu of adjudicating the traffic offense if the person holds a noncommercial class C, class M1, or class M2 driver's license, except as specified.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 42005 of the Vehicle Code is amended
- 2 to read:
- 3 42005. (a) The court may order or permit a person convicted
- 4 of a traffic violation to attend a traffic violator school licensed
- 5 pursuant to Chapter 1.5 (commencing with Section 11200) of
- 6 Division 5.
- 7 (b) In lieu of adjudicating a traffic offense committed by a
- 8 person who holds a noncommercial class C, class M1, or class M2

1 driver's license, and with the consent of the defendant, the court  
2 may order the person to attend a licensed traffic violator school,  
3 a licensed driving school, or any other court-approved program ~~or~~  
4 of driving instruction.

5 (c) Pursuant to Title 49 of the Code of Federal Regulations, the  
6 court ~~may~~ *shall* not order or permit a person who holds a class A,  
7 class B, or commercial class C driver's license to complete a  
8 licensed traffic violator school, a licensed driving school, or any  
9 other court-approved program of driving instruction in lieu of  
10 adjudicating any traffic offense committed by the holder of a class  
11 A, class B, or commercial class C driver's license.

12 (d) The court ~~may~~ *shall* not order or permit a person, regardless  
13 of the driver's license class, to complete a licensed traffic violator  
14 school, a licensed driving school, or any other court-approved  
15 program of driving instruction in lieu of adjudicating an offense  
16 if that offense is either of the following:

17 (1) Occurred in a commercial motor vehicle, as defined in  
18 subdivision (b) of Section 15210.

19 (2) Is a violation of Section 20001, 20002, 23103, 23104, 23105,  
20 23140, 23152, or 23153, or of Section 23103, as specified in  
21 Section 23103.5.

22 (e) Except as otherwise provided in subdivision (f), a person so  
23 ordered may choose the traffic violator school the person will  
24 attend. The court shall make available to each person subject to  
25 that order the current list of traffic violator schools published by  
26 the department pursuant to Section 11205.

27 (f) In those counties where, prior to January 1, 1985, one or  
28 more individual courts, or the county acting on behalf of one or  
29 more individual courts, contracted for the provision of traffic safety  
30 instructional services to traffic violators referred by the court  
31 pursuant to a pretrial diversion program, the courts may restrict  
32 referrals under this section to those schools for traffic violators or  
33 licensed driving schools that are under contract with the court or  
34 with the county to provide traffic safety instructional services for  
35 persons referred pursuant to subdivision (a).

36 (g) A county described in Section 28023 of the Government  
37 Code may continue to provide the program authorized by this  
38 section in accordance with the provisions of current and future  
39 contracts as may be amended and approved by the individual courts

1 within that county and the county shall be exempt from state  
2 regulations relative to maximum classroom attendance.

3 (h) Notwithstanding subdivisions (f) and (g), a court in the  
4 counties described in those subdivisions shall comply with the  
5 prohibitions set forth in subdivisions (c) and (d).

6 (i) A person who willfully fails to comply with a court order to  
7 attend traffic violator school is guilty of a misdemeanor.

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